

Panaji, 30th July, 1992 (Sravana 8, 1914)

SERIES I No. 18

## OFFICIAL



## GAZETTE

## GOVERNMENT OF GOA

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Legislature Department

LA/B/3238/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 20-7-1992 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st July, 1992.

The Maharashtra Co-operative Societies (Goa  
Amendment) Bill, 1992

(Bill No. 15 of 1992)

A  
BILL

further to amend the provisions of the Maharashtra  
Co-operative Societies Act, 1960 as in force in the  
State of Goa.

Be it enacted by the Legislative Assembly of Goa  
in the Forty-third Year of the Republic of India as  
follows:—

1. *Short title and commencement.*— (1) This Act  
may be called the Maharashtra Co-operative Socie-  
ties (Goa Amendment) Act, 1992.

(2) Section 4 shall come into force at once and  
the remaining sections shall be deemed to have  
come into force with effect from 10th day of April,  
1992.

2. *Amendment of section 73A.*— In sub-section  
(6) of section 73A of the Maharashtra Co-operative  
Societies Act, 1960 (Maharashtra Act No. 24 of  
1961) as in force in the State of Goa (hereinafter  
referred to as the 'principal Act'), for the word  
"six" wherever it occurs, the word "eight" shall be  
substituted.

3. *Amendment of section 73H.*— In section 73H  
of the principal Act,—

(a) in sub-section (2),—

(i) for the words "for a period of five years  
from the date on which the first meeting is  
held", the words "for a period of four years  
from the date on which the first meeting is  
held" shall be substituted;

(ii) the proviso shall be omitted;

(b) in sub-section (2a), for the words "five  
years", the words "four years" shall be substi-  
tuted.

4. *Insertion of section 73 I.*— After section 73 H  
of the principal Act, the following section shall be  
inserted, namely:—

"73 I. *Motion of no confidence against officers  
of societies.*— (1) A President, Vice-President,  
Chairman, Vice-Chairman, secretary, treasurer  
or any other officer by whatever designation  
called who holds office by virtue of his election  
to that office shall cease to be such President,  
Vice-President, Chairman, Vice-Chairman, secre-  
tary, treasurer or any other officer, as  
the case may be, if the motion of no  
confidence is passed at a meeting of the com-  
mittee by a simple majority of the total  
number of committee members who are for the  
time being entitled to attend and vote at any  
meeting of the committee and the office of such  
President, Vice-President, Chairman, Vice-Chair-  
man, secretary, treasurer or any other officer,  
as the case may be, shall thereupon be deemed  
to be vacant.

(2) The requisition for convening special  
meeting of the committee for considering such  
motion of no confidence shall be signed by not  
less than one-third of the total number of  
members of the committee who are for the time  
being entitled to attend and vote at any meet-  
ing of the committee and shall be delivered to  
the Registrar:

Provided that, no such requisition for a  
special meeting shall be made within a period  
of six months from the date on which any  
officer referred to in sub-section (1) has  
entered upon his office.

(3) The Registrar shall, within seven days  
from the date of receipt of requisition under  
sub-section (2), convene a special meeting of  
the committee. The meeting shall be held on  
a date not later than fifteen days from the  
date of issue of the notice of the meeting.

(4) The meeting shall be presided over by  
the Registrar or any officer subordinate to him  
who is authorised by him in this behalf. The  
Registrar or such officer shall, when presiding  
over the meeting of the committee, have the  
same powers as the President or Chairman

when presiding over a committee meeting has, but shall not have the right to vote.

(5) The meeting called under this section shall not for any reason, be adjourned.

(6) Voting at the meeting shall be by raising of hands. The names of the committee members voting for and against the motion shall be read in the meeting and recorded in the minute book of the committee meetings:

Provided that if one-third of the members of the committee present so demand, the voting shall be by secret ballot.

(7) If the motion of no confidence is rejected, no fresh motion of no confidence shall be brought before the committee within a period of six months from the date of such rejection of the motion."

5. *Repeal and saving.*—(1) The Maharashtra Co-operative Societies (Goa Amendment) Ordinance, 1992 (Ordinance No. 4 of 1992), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

#### Statement of Objects and Reasons

The Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa does not contain any provision for passing motion of no confidence against officers of societies and in the absence of such express provision, any motion of no confidence passed against any officers of the society, are many times contested by the concerned officers of the societies. The absence of such provision also results in difference of opinion amongst the Directors of the society which in turn gives rise to factions which prove to be detrimental to the interest of the shareholders, depositors and creditors of the society concerned.

It is, therefore, proposed to suitably amend the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa, by inserting therein a provision relating to motion of no confidence against officers of the society.

This Bill seeks to achieve the above objects and also to replace the Maharashtra Co-operative Societies (Goa Amendment) Ordinance, 1992 (Ordinance No. 4 of 1992) which was promulgated by the Governor of Goa on 10-4-1992 in order to obviate certain difficulties experienced in implementing the provisions of the said Act, 1960 and also to carry out consequential amendment in sub-section (2a) of section 73 H of the said Act, 1960.

#### Financial Memorandum

No financial implications are involved in this Bill.

Panaji,  
13th July, 1992.

Assembly Hall,  
Panaji,  
14th July, 1992.

SURESH PARULEKAR  
Minister for Industries

M. M. NAIK  
Secretary to the  
Legislative Assembly of Goa

#### (Annexure to Bill No. 15 of 1992)

#### The Maharashtra Co-operative Societies (Goa Amendment) Bill, 1992

#### The Maharashtra Co-operative Societies Act of 1960

73A. Disqualification for being designed officer simultaneously of certain specified societies or for being designated officer of the same society for more than six years.—(1) In this section and in sections 73D, 73E, and 73F, "a designated officer" means the Chairman, the President, the Vice-Chairman and the Vice-President, and includes any other officer of the society as may be declared by the State Government, by notification in the Official Gazette, to be a designated officer, but does not include any Officer appointed or nominated by the State Government or by the Registrar.

(2) No person shall, at the same time, be or continue to be, a designated officer of more than one society falling in Category I or Category II or Category III of the categories mentioned below; and shall not be or continue to be a designated officer in more than two societies in the aggregate in the three Categories:—

**Category I.**— Societies, the area of operation of which extends to the whole of the Union Territory of Goa, Daman and Diu.

**Category II.**— Societies, the area of operation of which does not extend to the whole of the Union territory of Goa, Daman and Diu but extends to one or more districts; and the authorised share capital of which is more than Rs. 10 lakhs.

**Category III.**— Societies, the area of operation of which does not extend to the whole of a district but extends to one or more talukas, and the authorised share capital of which is not more than Rs. 10 lakhs but is not less than Rs. 5 lakhs.

(3) If any question arises whether or not a society falls under any of the categories referred to in sub-section (2), such question shall be referred to and decided by the Registrar, and his decision shall be final.

(4) If any person is at the commencement of the Maharashtra co-operative Societies (Goa, Daman and Diu Third Amendment) Act, 1977, a designated officer of more than two societies in the said categories, or of more than one society in the same category, then unless he resigns his office in the society or societies in excess of the number prescribed under sub-section (2) within a period of ninety days from such commencement, he shall, at the expiration of the said period, cease to be a designated officer of all such societies.

(5) If any person becomes, at the same time, after the commencement of the said Act, a designated officer of societies in excess of the number prescribed under sub-section (2), unless he resigns his office in the society or societies in excess of the said number within a period of ninety days from the date on which he is elected or appointed a designated officer of more than the permissible number of society or societies, or if the elections or appointment are held or made simultaneously, from the date on which the result of the last of such elections or appointments is declared, he shall, at the expiration of the said period of ninety days, cease to be a designated officer of all such societies.

(6) No person shall be, or shall continue to be, a designated officer of any society of any of the categories referred to in sub-section (2) for a consecutive period of more than six years, and at the expiration of that period any such person shall cease to be a designated officer of that society, and shall not be eligible for being re-elected or re-appointed as a designated officer, until a period of three years has elapsed after the expiry of the aforesaid period of six years.

*Explanation:*— For the purpose of this sub-section (a) in calculating the consecutive period of six years in office, any period for which the person concerned may have been such officer before the commencement of the Maharashtra co-op. Societies (Goa, Daman and Diu Third Amendment) Act shall be ignored;

(b) if any person resigns his office as a designated officer at any time within twelve months of the date on which the consecutive period of six years would, but for his resignations have been completed, he shall be deemed to have completed the period of six years on his resignation.

**73H. Provision for conduct of elections to committees (and of officers) to certain societies and term of office of members of such committee.**—(1) The election of the members of the committee (and the officers by the committee) of the societies of the categories mentioned below shall be subject to the provisions of Chapter XI-A and shall be conducted in the manner laid down by or under that Chapter:—

(i) Such Apex Co-operative Institutions which the State Government may, by general or special order published in the Official Gazette, from time to time, specify in this behalf, regard being had to the financial position and share capital of such institutions;

(ii) All Co-operative Banks;

(iii) Land Development Bank;

(iv) All Federal Institutions;

(v) Any other society or class of societies, which the State Government may, by general or special order published in the Official Gazette, from time to time, specify in this behalf, regard being had to the financial position and share capital of such institutions.

(2) When the election of all the members of the committee of any such society is held at the same time, the members elected on the committee at such general elections shall hold office for a period of five years from the date on which the first meeting is held and shall continue in office until immediately before the first meeting of the members of the new committee — 2.

Provided that a period of five years from the date on which the first meeting is held be extended by the State Govt. for a period not exceeding one year for reasons to be recorded in writing, so that the total period does not exceed six years in the aggregate — 3.

Assembly Hall,  
Panaji,  
14th July, 1992.

M. M. NAIK  
Secretary to the  
Legislative Assembly of Goa

LA/B/3239/1991

The following Bill which was introduced in the Legislative Assembly of Goa on 20-7-1992 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 21st July, 1992.

The Goa Buildings (Lease, Rent and Eviction) Control  
(Amendment) Bill, 1992

(Bill No. 19 of 1992)

A

BILL

further to amend the Goa, Daman and Diu Buildings  
(Lease, Rent and Eviction) Control Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Forty-third Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1992.

(2) It shall be deemed to have come into force from 11th day of April, 1992.

**2. Amendment of section 18.**— In section 18 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (hereinafter referred to as the “principal Act”), after the words “not known to the tenant” and before the words “he may deposit”, the words “or the landlord refuses to accept the rent from the tenant” shall be inserted.

**3. Amendment of section 22.**— In clause (e) of sub-section (2) of section 22 of the principal Act, after the words “or been allotted a residence”, the words “in place where such dwelling house is situated” shall be inserted.

**4. Repeal and saving.**— (1) The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Ordinance, 1992 (Ordinance No. 2 of 1992), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

#### Statement of Objects and Reasons

The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Ordinance, 1992 was promulgated by the Governor of Goa on 11-4-1992, so as to obviate certain difficulties encountered while implementing the provisions of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

This Bill seeks to replace the said Ordinance.

#### Financial Memorandum

No financial implications are involved in this Bill.

Panaji,  
16th July, 1992.

SHRI SHANKAR K.  
SALGAONKAR  
Minister for Revenue

Assembly Hall,  
Panaji,  
16th July, 1992.

M. M. NAIK  
Secretary to the  
Legislative Assembly of Goa

(Annexure to Bill No. 19 of 1992)

The Goa Buildings (Lease, Rent and Eviction) Control  
(Amendment) Bill, 1992

The Goa, Daman and Diu Buildings (Lease, Rent and  
Eviction) Control Act, 1968  
Act No. 2 of 1969

**18. Deposit of rent by tenant.**— (1) Where there is a *bonafide* doubt as the person or persons to whom the rent is payable or where the address of the landlord or his authorised agent is not known to the tenant, he may deposit such rent with the Controller in the prescribed manner.

**22. Grounds of eviction.**—(1) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf.

(2) If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied —

(a) that the tenant is in arrears in payment of rent due by him in respect of the building for a total period of three months; or

(b) that the tenant has without the written consent of the landlord —

(i) transferred his right under the lease or sub-let the entire building or any portion thereof, or

(ii) used the building for a purpose other than that for which it was leased; or

(c) that the tenant has committed such acts of damage as are likely to impair materially the value or utility of the building; or

(d) that the tenant has been guilty of such acts and conducts which are a nuisance to the occupiers of other portions of the same building or of buildings in the neighbourhood;

*Explanation:* — For the purposes of this clause, “nuisance” shall be deemed to include any act which constitutes an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956; Central Act 104 of 1956

(e) that the tenant of a dwelling house has, whether before or after the commencement of this Act, built, acquired vacant possession of, or been allotted a residence.

Assembly Hall,  
Panaji,  
16th July, 1992.

M. M. NAIK  
Secretary to the  
Legislative Assembly of Goa